



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/09/04, by Constance A. Howard

**SYNOPSIS AS INTRODUCED:**

775 ILCS 5/2-103

from Ch. 68, par. 2-103

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation for an employer, employment agency, or labor organization to inquire into or to use the fact of an arrest as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges, or conditions of employment if an individual has pleaded guilty to a crime, has received supervision, has complied with the supervision requirements, and has received a judgment dismissing the charges. Effective January 1, 2005.

LRB093 20451 WGH 46237 b

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by  
5 changing Section 2-103 as follows:

6 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)  
7 Sec. 2-103. Arrest Record.

8 (A) Unless otherwise authorized by law, it is a civil  
9 rights violation for any employer, employment agency or labor  
10 organization to inquire into or to use the fact of:

11 (i) an arrest or criminal history record information  
12 ordered expunged, sealed or impounded under Section 5 of  
13 the Criminal Identification Act; or

14 (ii) an arrest for which an individual has pleaded  
15 guilty to a crime, has received supervision, has complied  
16 with the supervision requirements, and has received a  
17 judgment dismissing the charges;

18 as a basis to refuse to hire, to segregate, or to act with  
19 respect to recruitment, hiring, promotion, renewal of  
20 employment, selection for training or apprenticeship,  
21 discharge, discipline, tenure or terms, privileges or  
22 conditions of employment. This Section does not prohibit a  
23 State agency, unit of local government or school district, or  
24 private organization from utilizing conviction information  
25 obtained from the Department of State Police under the  
26 provisions of Section 3 of the Criminal Identification Act in  
27 evaluating the qualifications and character of an employee or a  
28 prospective employee.

29 (B) The prohibition against the use of the fact of an  
30 arrest contained in this Section shall not be construed to  
31 prohibit an employer, employment agency, or labor organization  
32 from obtaining or using other information which indicates that

1 a person actually engaged in the conduct for which he or she  
2 was arrested.

3 (Source: P.A. 89-370, eff. 8-18-95.)

4 Section 99. Effective date. This Act takes effect January  
5 1, 2005.